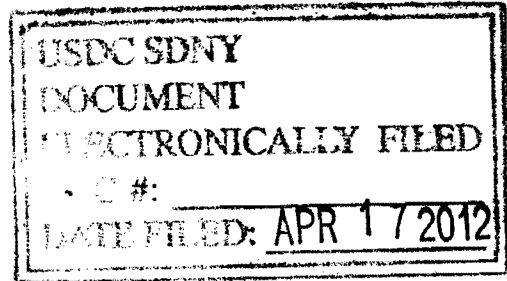


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
LEIGH DYER BENNETT,

Plaintiff,

-v-

No. 11 Civ. 3273 (LTS)(JCF)

NCO FINANCIAL SYSTEMS, INC.,

Defendant.
-----X

ORDER

The Court has reviewed Magistrate Judge Francis's March 27, 2012, Report and Recommendation (the "Report"), which recommends that the plaintiff's complaint should be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for failure to effect service of the summons and complaint on the defendant. No objection to the Report has been filed.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(C) (West 2006). In a case such as this one, where no party files a timely objection to the magistrate judge's report and recommendation, a district court need only determine that the recommendation is not clearly erroneous or contrary to the law. Arista Records LLC v. Doe, 604 F.3d 110, 117 (2d Cir. 2010); see Fed. R. Civ. P. 72.

The Court has reviewed carefully the Report and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein and hereby dismisses plaintiff's complaint without prejudice.

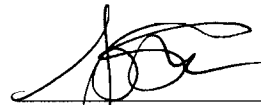
plaintiff
4-17-2012

The Clerk of the Court is respectfully requested to enter judgment accordingly and close this case.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith and, therefore, in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: New York, New York
April 17, 2012

A handwritten signature in black ink, appearing to read 'Laura Taylor Swain', is written over a horizontal line.

LAURA TAYLOR SWAIN
United States District Judge